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SERVICE DATE – NOVEMBER 4, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 416X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY—ABANDONMENT EXEMPTION—IN BOTTINEAU COUNTY, ND

Decided: November 2, 2004

The Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon and discontinue service over a 15.50-mile line of railroad between milepost 52.00 near Souris, to milepost 67.50 near Westhope, Bottineau County, ND. Notice of the exemption was served and published in the Federal Register on May 25, 2004 (69 FR 29782).

By decision served June 23, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that, prior to beginning salvage activities, BNSF shall submit to the State Historical Society of North Dakota (SHPO) site forms for any bridges that are 50 years old or older, as well as for any historical sites, and the final cultural resources report. By letter dated October 14, 2004, BNSF has requested that the historic preservation condition be removed. In support of its request, BNSF attached a letter, which included an indication by the SHPO that BNSF prepared and submitted Class I and Class II Cultural Resources Inventories, which SHPO found acceptable. Therefore, based on that information provided, it has been concluded that no historic properties will be affected by the abandonment. Therefore, SEA recommends that the section 106 condition imposed in the June 23, 2004 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.¹

¹ The June 23, 2004 decision also imposed environmental conditions that required BNSF: (1) notify the National Geodetic Survey at least 90 days prior to any salvage activities to plan for the relocation of the geodetic station markers that may be affected by the abandonment; (2) remove track materials, including rail and ties, from the portion of the line that crosses the J. Clark Salyer National Wildlife Refuge; (3) consult with the U.S. Department of the Interior, Bureau of Land Management, prior to commencement of any salvage activities; and (4) revegetate areas impacted by salvage activities with species native to the areas. Additionally, the proceeding was reopened by decision served August 4, 2004, and the exemption was made subject to the condition requiring that BNSF shall

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This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic condition imposed in the June 23, 2004 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

¹(...continued)

follow Best Management Practices during salvage activities to prevent dirt, construction debris, and waste material from entering a storm drainage system or water body, and consult with the North Dakota Department of Health, Environmental Health Section, regarding any release of petroleum products, hazardous materials, or chemicals that may impact human health or the environment, which are known to have occurred in the past or are discovered in the project area during salvage activities. Those conditions remain in effect.